

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CHARLES EDWARD FRACTION,

Civil File No. 07-3777 (DSD/JSM)

Petitioner,

v.

ORDER

STATE OF MINNESOTA,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated November 17, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge and all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED that Charles Edward Fraction's Amended Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a person in State Custody [Docket No. 5] be **DISMISSED** with prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 11, 2008

s/David S. Doty
DAVID S. DOTY
United States District Court Judge